

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #2	CCRB Case #: 201810598	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 08/30/2018 4:32 PM, Friday, 08/31/2018	Location of Incident: 670 Dekalb Avenue; 79th Precinct stationhouse	Precinct: 79	18 Mo. SOL 2/29/2020	EO SOL 2/29/2020	
Date/Time CV Reported Fri, 12/21/2018 9:16 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 12/21/2018 9:16 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Hinolito Inoa	16168	960709	079 PCT
2. An officer			079 PCT
3. POF Stephanie Perez	15766	961095	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM William Penkal	15243	956157	079 PCT
2. POM Arnold Chow	27983	921211	079 PCT
3. SGT Alex Morocho	5420	939794	079 PCT
4. POM Robert Bramble	12995	955767	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Hinolito Inoa	Force: On August 30, 2018, at 670 DeKalb Avenue in Brooklyn, Police Officer Hinolito Inoa used physical force against § 87(2)(b)	
B.POF Stephanie Perez	Abuse: On August 30, 2018, at 670 DeKalb Avenue in Brooklyn, Police Officer Stephanie Perez damaged § 87(2)(b)'s property.	
C.POF Stephanie Perez	Discourtesy: On August 30, 2018, at 670 DeKalb Avenue in Brooklyn, Police Officer Stephanie Perez spoke discourteously to § 87(2)(b)	
D. An officer	Abuse: On August 31, 2018, at the 79th Precinct stationhouse, an officer threatened to arrest § 87(2)(b)	

Case Summary

On December 21, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

At approximately 4:32 p.m. on August 30, 2018, § 87(2)(b) got into a dispute with § 87(2)(b) outside of a public pool located at 670 DeKalb Avenue in Brooklyn. Police Officer Hinolito Inoa and Police Officer William Penkal of the 79th Precinct told § 87(2)(b) to leave the premises. When she refused to leave, Police Officer Inoa allegedly grabbed her by her left upper arm, causing bruising there (**Allegation A: Force – Physical force**, § 87(2)(g)). Police Officer Inoa and Police Officer Penkal loaded § 87(2)(b) into a marked vehicle assigned to Police Officer Stephanie Perez of the 79th Precinct. § 87(2)(b) was carrying a handbag at the time. Police Officer Perez removed the bag by cutting it with a knife (**Allegation B: Abuse of Authority – Property damage**, § 87(2)(g)). She later told § 87(2)(b) “You know, you’re really fucking annoy” (**Allegation C: Discourtesy – Word**, § 87(2)(g)). § 87(2)(b) was arrested and charged with § 87(2)(b), § 87(2)(a) 160.50 (Board Review #02: Arrest Report).

§ 87(2)(b) was arraigned and released from custody on August 31, 2018. At approximately 3:00 p.m. on that date, she traveled to the 79th Precinct stationhouse to retrieve the property that was vouchered during her arrest. Police Officer Arnold Chow of the 79th Precinct returned her possessions to her, including her handbag. She complained to Police Officer Chow about the state of her belongings. An unidentified officer behind the desk allegedly told § 87(2)(b) that she would be arrested if she did not stop yelling (**Allegation D: Abuse of Authority – Threat of arrest**, § 87(2)(g)). § 87(2)(b) then left the stationhouse.

Footage was obtained from the body-worn cameras (BWCs) of Police Officer Penkal, Police Officer Perez and her partner, Police Officer Robert Bramble of the 79th Precinct. It is attached in IAs #79-81 (Board Review #03-05: BWC Footage) and summarized in IA #85 (Board Review #06: BWC Summary). Subclips taken from this footage have been attached in IAs #100-102 (Board Review #07-09: BWC Subclips).

Findings and Recommendations

Allegation (A) Force: On August 30, 2018, at 670 DeKalb Avenue in Brooklyn, Police Officer Hinolito Inoa used physical force against § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on December 24, 2018. Contact attempts were made to § 87(2)(b) but the investigation was unable to obtain a statement from her (Board Review #10: Civilian Contact Attempts). Police Officer Penkal was interviewed at the CCRB on January 31, 2019. Police Officer Inoa and Police Officer Chow were interviewed on February 1, 2019. Sergeant Alex Morocho was interviewed on March 28, 2019. Police Officer Perez was interviewed on April 19, 2019.

It is undisputed that § 87(2)(b) got into an argument with § 87(2)(b) in front of the public pool at 670 DeKalb Avenue in Brooklyn. She was approached by several officers, including Police Officer Inoa, Police Officer Penkal and Police Officer Perez. These officers

pulled § 87(2)(b) arms behind her back and placed her in handcuffs. § 87(2)(b) was arrested and charged with § 87(2)(b), § 87(2)(a) 160.50 § 87(2)(b).

§ 87(2)(b) stated that she was approached by Police Officer Perez and Police Officer Inoa in front of the pool. Police Officer Perez grabbed § 87(2)(b) wrists and tried to pull them behind her back. During her CCRB interview, § 87(2)(b) was asked several times what, if any, movements she made when Police Officer Perez grabbed her wrists. § 87(2)(b) was unable to clearly answer the question, even after it was re-phrased several times. She replied only that she “fidgeted” when grabbed, that she moved her body into a “natural position”, and that Police Officer Perez interpreted this behavior as § 87(2)(b) “reflexing against her.” Police Officer Perez then asked Police Officer Inoa to assist her in arresting § 87(2)(b). Police Officer Inoa grabbed § 87(2)(b) on her left upper arm. He and Police Officer Perez then placed § 87(2)(b) in handcuffs. § 87(2)(b) was later transported to the 79th Precinct stationhouse for arrest processing. She waited for several hours in a holding cell. There, she saw that one of her upper arms was bruised. In her initial complaint, she stated that the bruise was on her right bicep. In her CCRB statement, she stated that the bruise was on her left bicep. § 87(2)(b) was uncertain of how the bruise came about, but believed that it was caused by Police Officer Inoa grabbing her left upper arm. § 87(2)(b) did not mention the bruise to the police until she reached Brooklyn Central Booking. She was then transported to an unidentified hospital. She did not receive any treatment there.

Police Officer Inoa and Police Officer Penkal both stated that they were assigned to a foot post at the pool. They were approached by an unidentified Parks Department employee who told them that § 87(2)(b) was arguing with § 87(2)(b) and had to leave the premises. § 87(2)(b) ignored commands to leave the pool and continued to argue with § 87(2)(b). When the officers repeated their commands, § 87(2)(b) reached out towards Police Officer Inoa. Police Officer Inoa stated that § 87(2)(b) grabbed him by his collar, while Police Officer Penkal stated that § 87(2)(b) pushed Police Officer Inoa on the chest. Both officers stated that they responded by grabbing § 87(2)(b) arms and pulling them behind her back. They denied using any further force against § 87(2)(b). They denied observing any injuries to § 87(2)(b) or hearing § 87(2)(b) complain of any injuries. Both officers stated that Police Officer Perez and Police Officer Bramble arrived after they grabbed § 87(2)(b) arms.

Police Officer Perez stated that she and Police Officer Bramble were driving by the pool in a marked SUV when she saw Police Officer Penkal and Police Officer Inoa speaking to § 87(2)(b). § 87(2)(b) then grabbed Police Officer Inoa either by his neck or by the collar of his shirt. Police Officer Perez initially stated that Police Officer Inoa reacted by pushing § 87(2)(b) away. She later stated that she only saw Police Officer Inoa extend his arm towards § 87(2)(b) and did not know if he made contact with § 87(2)(b) while doing so. Police Officer Perez and Police Officer Bramble then stopped their vehicle, exited and approached § 87(2)(b). All four officers then arrested § 87(2)(b) by grabbing her arms and pulling them behind her back. She denied using any further force against § 87(2)(b). She denied observing any injuries to § 87(2)(b) or hearing § 87(2)(b) complain of any injuries.

A subclip taken from Police Officer Penkal's BWC footage, attached in IA #100, depicts § 87(2)(b) arrest (Board Review #07: BWC Subclip). At the start of the recording, § 87(2)(b) is seen shouting at several people standing on a line in front of the pool. At 0:04 into the recording, she grabs Police Officer Inoa by his shirt. Police Officer Penkal and Police Officer Inoa respond by immediately grabbing her arms and bringing them behind her back. Police Officer Inoa holds § 87(2)(b) right bicep. At 0:10 into the recording, Police Officer Bramble and Police Officer Perez are seen standing by a marked SUV. Police Officer Perez holds § 87(2)(b) by her left elbow and forearm. She is placed in handcuffs. Police Officer Inoa holds § 87(2)(b) by her right bicep. Police Officer Penkal then places her in handcuffs. No further force is noted. At no point in the video do any officers touch § 87(2)(b) left bicep.

NYPD Patrol Guide procedure 221-01 states that officers may use limited physical force against an individual in order to place them in custody. All uses of force must be reasonable under the circumstances (Board Review #11: Legal Reference).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (B) Abuse of Authority: On August 30, 2018, at 670 DeKalb Avenue in Brooklyn, Police Officer Stephanie Perez damaged § 87(2)(b)'s property.

It is undisputed that § 87(2)(b) carried a handbag with her at the time of her arrest. The bag was damaged at some point while she was in police custody.

§ 87(2)(b) stated that she was wearing a watch at the time of her arrest. After she was transported to the stationhouse for arrest processing, her bag and her watch were both taken from her. § 87(2)(b) made no mention of her bag, its contents or her watch being damaged in her presence. § 87(2)(b) was released from custody on the morning of August 31, 2018. She returned to the stationhouse that afternoon in order to retrieve her belongings. She found that the top of her bag had been cut open. She made no mention of any other damage to the bag, including the strap being cut off. The face of § 87(2)(b) watch had been removed. § 87(2)(b) did not see how her bag or watch came to be in these conditions.

Police Officer Perez stated that § 87(2)(b) had her bag slung over her shoulder when she was arrested. She still had the bag on her shoulder when she was loaded into Police Officer Perez's and Police Officer Bramble's marked SUV. Because § 87(2)(b) was being taken into custody, the officers had to remove her bag from her in order to guarantee their safety. Because § 87(2)(b) had physically struggled with officers during her arrest, the officers decided that it would not be safe to uncuff § 87(2)(b) in order to remove the bag from her shoulder. As such, one of the officers cut the strap on § 87(2)(b) bag using a knife in order to detach it. Police Officer Perez did not recall which officer cut § 87(2)(b) bag. Police Officer Perez did not recall § 87(2)(b) having any other belongings with her, including a watch.

Police Officer Inoa and Police Officer Penkal both stated that § 87(2)(b) had a bag with her during her arrest. They both denied that the bag was damaged in any way. Neither officer made any mention of difficulty in obtaining the bag from § 87(2)(b) or of an officer cutting the bag's strap with a knife. They denied that any other items in § 87(2)(b) possession were damaged. Police Officer Inoa and Police Officer Penkal did not recall § 87(2)(b) wearing a watch.

A subclip from Police Officer Perez's BWC footage, attached in IA #101, depicts her standing by her marked SUV (Board Review #08: BWC Subclip). It is taken from the start of the BWC footage. It begins with § 87(2)(b) sitting in the back seat. § 87(2)(b) asks, "For what?" Police Officer Perez replies, "It's our knife. I can't uncuff you, and I don't know what's in your bag, so I'm cutting it." Police Officer Perez's hands are below the frame of the video, so it cannot be seen what she is doing at that time.

The investigation determined based on the BWC footage that § 87(2)(b) bag was damaged, and that the damage was caused when Police Officer Perez cut the bag's strap with a knife. The investigation was unable to determine what, if anything, happened to § 87(2)(b) watch.

As per NYPD Patrol Guide procedure 200-02, one of the NYPD's core values is a pledge to protect the lives and property of citizens (Board Review 18: Legal Reference).

§ 87(2)(g)
[REDACTED]

Allegation (C) Discourtesy: On August 30, 2018, at 670 DeKalb Avenue in Brooklyn, Police Officer Stephanie Perez spoke discourteously to § 87(2)(b)

§ 87(2)(b) made no mention of Police Officer Perez or any of the other officers using profanity towards her.

Police Officer Perez stated that after § 87(2)(b) bag was taken from her, she and the other officers waited for a supervisor to come verify the arrest while § 87(2)(b) sat in the back seat of Police Officer Perez's vehicle. § 87(2)(b) started to insult Police Officer Perez by

repeatedly calling her a “bitch” and mocking the fact that Police Officer Perez had acne. Police Officer Perez told § 87(2)(b) that she was “fucking annoying.” When asked why she used profanity towards § 87(2)(b) Police Officer Perez stated that it was because she was frustrated by § 87(2)(b) insults.

A subclip from Police Officer Perez’s BWC footage, attached in IA #102, depicts her standing by her marked SUV (Board Review #09: BWC Subclip). § 87(2)(b) is sitting in the back seat. § 87(2)(b) asks Police Officer Perez why she is being arrested. Police Officer Perez replies that they will discuss the matter at the stationhouse. When § 87(2)(b) repeats her request, Police Officer Perez states, “You know, you’re being really fucking annoying right now.”

Officers may use profanity towards a civilian when attempting to gain control of a dynamic situation. Officers may not use profanity when its sole purpose is to belittle or demean a civilian. PD v. Pichardo, DAO-DCT Case #2015-15012 (Board Review #12: Legal Reference).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (D) Abuse of Authority: On August 31, 2018, at the 79th Precinct stationhouse, an officer threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that she returned to the 79th Precinct stationhouse at approximately 3:00 p.m. on August 31, 2018 in order to retrieve the property that was vouchered during her arrest. She spoke to the telephone switchboard (TS) operator, Police Officer Chow, who returned her bag and her watch to her. § 87(2)(b) complained to Police Officer Chow about the damage to her bag and watch. Another officer, who was standing behind the same desk as Police Officer Chow, stepped in. § 87(2)(b) described him as a black male in his 40s. This officer told § 87(2)(b) that he was a supervisor. When § 87(2)(b) complained about the state of her belongings, this officer stated, “Be quiet or I’ll arrest you again.” § 87(2)(b) then noticed Police Officer Perez walk by. § 87(2)(b) told the unidentified officer that Police Officer Perez had been present during her arrest. Police Officer Perez came over to the desk. She told § 87(2)(b) her name and shield number. The unidentified officer then stated, “She gave you her badge number. Stop yelling or I’ll re-arrest you.” § 87(2)(b) then left the stationhouse. She was not arrested.

Neither Sergeant Morocho nor Police Officer Chow recalled this incident. They both confirmed that during the afternoon on August 31, 2018, they worked as the 79th Precinct’s desk officer and telephone switchboard (TS) operator, respectively. Both officers worked behind the front desk. Police Officer Chow also stated that the TS operator is usually responsible for returning vouchered property to its owner. Neither Sergeant Morocho nor Police Officer Chow was familiar with § 87(2)(b). They did not recognize her from her CCRB or arrest photographs. They did not recall any civilians complaining about the state of their property or getting into an argument with an officer at the desk. Sergeant Morocho denied telling a civilian that they would be arrested for any reason. He was not aware of any officer threatening to arrest a civilian.

Police Officer Perez did not recall interacting with § 87(2)(b) on August 31, 2018. She denied providing her name or shield number to § 87(2)(b). She denied seeing § 87(2)(b) again after her arrest on August 30, 2018. Police Officer Perez was not aware of any officers getting into an argument with § 87(2)(b) on August 31, 2018. Police Officer Perez did not hear any officers threaten to arrest § 87(2)(b). She noted that she began her tour on that date at 5:00 p.m., two hours after the alleged incident time. Police Officer Perez's memo book confirms that she was not on duty at the time of this interaction (Board Review #01: Memo Book).

The 79th Precinct command log shows that Sergeant Morocho worked as the desk officer until 3:03 p.m. on August 31, 2018. He was then relieved by Sergeant Emile Pratt (Board Review #13: Command Log). Sergeant Morocho is a § 87(2)(b) old Hispanic male. Sergeant Pratt is a § 87(2)(b) old white male. A review of the 79th Precinct roll call from tour 2 and tour 3 on August 31, 2018 found that there were no black male officers with the rank of sergeant or above. There were no black male officers assigned to the stationhouse during either tour (Board Review #14-15: Roll Call).

§ 87(2)(g) § 87(2)(b) stated that the subject officer was a black male who identified himself as a supervisor, but the roll call showed there were no black officers who were either assigned to the stationhouse or in supervisory positions. Neither of the officers who were assigned as the desk officer resembled her description. § 87(2)(b) alleged that Police Officer Chow and Police Officer Perez were present at the time of this allegation, but neither of these officers recalled any such interaction.

§ 87(2)(g) § 87(2)(b) § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review #16: CCRB History).
- Police Officer Inoa has been a member of the service for three years and has been the subject of one previous CCRB complaint and three allegations, none of which were substantiated. § 87(2)(g) § 87(2)(b)
- Police Officer Perez has been a member of the service for three years and has been the subject of two previous CCRB complaints and four allegations, one of which was substantiated.
 - 201704687 involved a substantiated search allegation. The Board recommended that she receive formalized training. The NYPD imposed formalized training.
 - § 87(2)(g) § 87(2)(b)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on April 29, 2019. It will be included in the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------